



THE FORT ST. GEORGE GAZETTE.

EXTRAORDINARY.

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MADRAS, WEDNESDAY, OCTOBER 25, 1914.

[PART, 2 p.m.]

Part IV.—Proceedings of the Madras Legislature.

Bill introduced into the Council of the Governor of Fort St. George for the purpose of making Laws and Regulations.

The following Report of the Select Committee on the Bill to facilitate the administration of certain enactments, together with the Bill as amended by the Committee, is published for general information:—

To

THE HONOURABLE THE COUNCIL OF THE GOVERNOR OF
FORT ST. GEORGE FOR MAKING LAWS AND REGULATIONS.

WE, the undersigned Members of the Select Committee to which the Bill to facilitate the administration of certain enactments was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

2. In the schedule to the Bill we have made the following substantive alterations:—
(a) In the amendments proposed in the Madras Endowments and Exchequer Regulation, 1817, we have confined the power of delegation to the Government on

the ground that it is undesirable to have the Board of Revenue power of sub-delegation; and we have laid down the principle that no power should be delegated to an officer below the rank of a divisional officer. We have also omitted the provision empowering delegation of the powers of a Board of Revenue under section 13 of the Act on the ground that the amendment proposed would be out of keeping with the provisions of section 12, and as we considered that the delegation proposed would include matters which should be retained in the hands of the Board of Revenue.

(b) In view of the remarks given in G.O. No. 2734, Revenue, dated 25th September 1914, a copy of which forms an enclosure to this report, we have added the amendment proposed by the Government to the Madras Irrigation Cess Act, 1885, to enable officers below the rank of Collector to impose charges falling under section 1 (b) of the Act.

(c) In the Madras Cattle Diseases Act, 1896, we have extended the powers to be given to the Board of Revenue, as the delegation originally proposed appeared to us inadequate. These powers will be exercised subject to the control of the Government.

(d) We have amended the section (25-A) of the Madras Salt Act, 1889, so as to make the Commissioner subject to the control of the Government in the exercise of his powers of making rules under the Act.

(e) In the amendment to the Madras Canals and Public Ferries Act, 1900, we have omitted the proposed delegation of powers under section 6 as we considered it advisable to reserve to the Government the power to fix the fees leviable under this section, and we have defined the officers beyond whom delegation should not be allowed.

(f) In the Madras Survey and Boundaries Act, 1897, we have omitted the proposed new sub-section of section 22 as we considered it desirable to retain in the Government the power to make rules.

(g) In the proposed amendments to section 14 of the Madras Land Encroachment Act, 1905, we have decided to retain the Local Government's powers of revision.

3. The other alterations which we have made in the schedule are verbal and formal.

4. We have thought it expedient to publish our report and the amended Bill in English. We recommend that it be passed into law as amended.

A. G. CARDEW.

R. C. C. CARR.

LIONEL DAVIDSON.

F. E. M. CORREY.

M. RAMACHANDRA RAO.

(Subject to a minute of dissent.)

A. S. KRISHNA RAU.

(Subject to a minute of dissent.)

K. P. RAMAN MENON.

(Subject to a minute of dissent.)

F. K. RAMANUSACHARI.

* Full minute.

22nd October 1914.

MINUTE OF DISSENT.

We are not in favour of the amendment proposed in section 1 of the Madras Cattle Diseases Act, 1896. It has been a long-established and well-recognized principle that the authority competent to put an Act into operation within any local area or for any prescribed period should be the Local Government. It is neither necessary nor desirable that the power to put the whole Act into operation should be delegated to the Board of Revenue. This is not a case of mere delegation of powers conferred by the Act, but a surrender of the functions assigned to the Local Government to being the Act itself into operation in any local area. If it is possible for the Board of Revenue to get information from District Collectors and publish the necessary notification in urgent cases, it must be equally possible for the Local Government to do so without any detriment to the effective administration of the Act. The extent